

REMARKSI. Introduction

This in response to the Office Action dated July 6, 2006 the deadline for responding to which has been extended to January 8, 2007 by way of a request for a 3 month extension of time made herewith.

Claims 1-28, and 30-33 are pending.

In the Office Action the Examiner rejected claims 1-13, 19-21, 26-28, 30 and 33 under 35 U.S.C. §103 as being unpatentable over Swistock (US 6,389,115) in view of Andersson et al (US 7,023,967). Claim 14 was rejected in view of the Examiner proposed combination of Swistock and Andersson et al. further in view of Farris et al. (U.S. Patent No. 6,404,858). Claims 15-18, 22, 25, 31 and 32 stand rejected in view of the Examiner proposed combination of Swistock and Andersson et al. further in view of Curry et al (US 6,078,582). Claims 23 and 24 stand rejected under 35 USC §103(a) as being unpatentable over the Examiner proposed combination of Swistock and Andersson et al. and Curry further in view of Farris.

Thus, each of the rejections depends on the Examiner proposed combination of Swistock and Andersson et al. As will be discussed below, the Swistock and Andersson patents do not show many of the claim features.

As a result, none of the Examiner proposed combinations of references, all of which are based on the Swistock and Andersson patents, anticipate or render obvious any of the pending claims.

Applicants will now address and overcome each of the Examiner's rejections.

II. The Pending Claims Are Patentable

1. The Rejection of Claim 1

In an interview conducted previously it was argued that while the Swistock patent discussed SMDI MWI messages it did not discuss or disclose SMDI history messages or the use of such messages. In response to Applicant's arguments, the Examiner withdrew the previous rejection of claim 1.

Claim 1 is patentable because it recites:

A communications method, comprising:
 monitoring a SMDI communications link extending between a telephone switch and a voice messaging system to detect at least one of a SMDI history message and a SMDI message waiting indicator message;
 generating an IP message including at least one IP packet, said IP packet including at least some information obtained from a detected SMDI message; and
 transmitting the IP message over a communications channel which supports the transmission of IP packets; and

in response to detecting said SMDI history message, storing at least some information included in the SMDI history message.

The starting point for the current response is the fact that the Swistock patent is devoid of any mention of a SMDI history message and does not disclose the claim features relating to such a message. As noted previously, SMDI MWI (message waiting indicator) message is different from a SMDI history message and they are not the same and are not used interchangeably. Accordingly, it is improper to simply disregard the SMDI history message feature of the claim citing the Swistock patent when it clearly does not disclose such messages.

While the Examiner cites the Anderson patent, the Examiner does not rely on the patent as disclosing the recited features relating to a SMDI history message.

Rather the Examiner cites the Anderson patent stating:

Swistock fails to disclose detecting at least one of a SMDI history message and a SMDI message waiting indicator message.

However, Anderson teaches detecting at least one of a SMDI history message and a SMDI message waiting indicator message (Column 3, lines 57-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Swistock using the teach message waiting indicator as taught by Anderson.

The modification of the invention enables the system to detect **at least one of a SMDI history message and a SMDI message waiting indicator message** so that the subscriber would retrieve messages. (bold added)

Col. 3, lines 57-67 of the Andersson patent cited by the Examiner states:

Alternatively, the hub end office can be coupled to the VMS 308 via MLHG lines with SMDI enhanced links. The coupling between the hub end office and other end offices is via ISUP trunks with *message-waiting indicators* provided on Signaling System 7 (SS7) out of band signals.

As for providing *a message waiting indicator* to the wire line subscribers, the system does so using the SMDI links.

As for the connection to the wireless subscribers, the interface between the VMS 308 and the MSC 306 can be via ISUP or R1 lines. For wireless subscribers, the system will send a message-waiting indicator to the MSC via the home location register element of the wireless network. (Italics and bold added)

Note that the Examiner cited portion of the Andersson patent does not mention SMDI history messages but rather message waiting indicators.

While a SMDI message waiting indicator message is "one of a SMDI history message and a SMDI message waiting indicator message" as noted before, a SMDI message waiting indicator does NOT anticipate or render obvious the claim features relating specifically to a SMDI history message, such as the storing step recited in claim 1.

Applicants note that Swistock fails to disclose or discuss SMDI history messages. Accordingly, the Examiner is in error with regard to the assertions made on page 3 of the office action with regard to Swistock disclosing:

in response to detecting said **SMDI history message** (column 4, line 62 "voice mail number provided by SMDI") storing at last some information (column 4, line 19 "cell phone numbers") included in the **SMDI history message** (column 4, lines 12-25) ...

Given that Swistock clearly fails to disclose the storing step for which it is cited and the Examiner has failed to cite any portion of the Andersson patent which makes up for this deficiency the rejection of claim 1 should be withdrawn.

Furthermore, the rejection of all the other claims is based on the Examiner's application of the references as applied against claim 1 and therefore should be withdrawn for similar reasons.

2 Independent Claim 13

Regarding claims 13 and 26 the Examiner merely states:

Swistock in combination with Andersson discloses all the limitations of claim(s) 13 and 26 as stated in claim(s) 1's rejection above. (Office Action Page 7)

Applicants note that claims 13 and 26 recite features which are not discussed in regard to the rejection of claim 1 and which were previously argued to distinguish over the Swistock patent. The Examiner's withdrawal of the previous rejections suggests that the Examiner agreed with Applicants arguments. The Examiner has failed to cite anything in Andersson which discloses the previously identified features which distinguished over the Swistock patent so the rejection should be withdrawn for the same reasons the previous rejection was withdrawn.

With regard to independent claim 13, Applicants previously argued that the Examiner failed to establish that the data base files discussed in column 20, line 46, included Internet Protocol address information for each of a plurality of voice mail service subscribers but more importantly, that the claimed step of:

receiving Internet Protocol
address information and directory number
information for each of a plurality of voice
mail service subscribers from an advanced
intelligent network service control point
coupled to said Internet Protocol messaging
device

was not disclosed.

During the previous discussion of the claim the Examiner noted that the claim did not explicitly recite using the received Internet Protocol address information.

Applicants in the last response amended claim 13 to recite:

generating an IP message including at least one IP packet and at least some information obtained from the received SMDI message, said generating including incorporating an Internet Protocol address included in said received Internet Protocol address information in said at least one IP packet;

Given the previous amendment, claim 13 is clearly allowable because of the generating step irrespective of the receiving step which is also believed to render the claim patentable.

If the Examiner intends to persist with the rejection of claim 13 or any of the claims which depend there from it is requested that the Examiner address the individual features found in the claim and not merely cite to the rejection of a different claim which recites different features.

3. Independent Claims 19 and 30 Are Patentable

In rejecting claims 19 and 30 the Examiner cites various hardware elements of the reference but not anything which specifically disclosed the claimed subject matter.

Accordingly, the previously argued reasons of patentability remain applicable and overcome the current rejection.

During the previous interview it was argued that the Swistock patent did not disclose the recited voice message retrieval device. In claim 19 the retrieval device includes "means for retrieving a waiting message from said voice messaging system **in response to receiving an IP message including at least some message waiting indicator information.**" Claim 30 includes similar language but refers to "voice messages" instead of "waiting messages".

Applicants representative pointed out that the "**in response to receiving an IP message**" made it clear that the **waiting message** was different from the IP message which triggered the retrieval. Applicants further noted that the message waiting indicator message cited by the Examiner was not a "voice message".

The Examiner agreed that the prior art which described the transmission of the message notification of a waiting message failed to disclose the limitation recited in claims 19 and 30 which includes the "**in response to**" language.

The Examiner indicated that no amendment to claims 19 and 30 was required to overcome the previous 102 rejection of these claims. **While the Examiner has cited various elements the Examiner has failed to cite anything that anticipates or renders obvious claimed means discussed above.**

If the Examiner persists in the rejection, it is requested that the Examiner identify where in the Andersson patent:

retrieving a waiting message from said voice messaging system in response to receiving an IP message including at least some message waiting indicator information

is described and what "means" in the applied patent performs the function.

4. Independent Claim 26

As discussed above in regard to claim 13, the Examiner merely cites Applicants to the rejection of claim 1 when rejecting claim 26. Claim 26 includes different elements than claim 1 and remains patentable for the reasons previously argued.

Previously it was agreed that deleting "or directory number information" from claim 26 would overcome the previous rejection since "accessing at least a portion of a stored history message to obtain calling a party name" was not disclosed by the Swisstock reference.

The Examiner has not cited where in the references the above noted feature can be found. Accordingly, the rejection of claim 26 should be withdrawn.

IV. Request for Clarification of the Rejection

Applicants request that if the Examiner persists in any of the rejections after consideration of the remarks made herein, the Examiner not only provide clear support for any new or maintained rejections but also either cite where the Swistock patent discusses a SMDI history message or remove any assertions that such a message is detected, stored, or otherwise processed in the Swistock patent. Applicants note that if the next rejection is final, there may be a need to appeal the rejection in which case a clear and technically accurate discussion of the Examiner's grounds for rejection are important so that Applicants will have a full and fair opportunity to address the rejections in any appeal that may need to be filed.

V. Conclusion

Claims 1-28 and 30-33 are pending. Each of the dependent claims is patentable for the same reasons the independent claim from which they depend are patentable. None of the claims are anticipated or rendered obvious by the prior art of record. Accordingly, the application is now in condition for allowance.

If there are any outstanding issues which need to be resolved to place the application in condition for allowance the Examiner is invited to contact Applicants' undersigned representative by phone to discuss and hopefully resolve said issues. To the extent necessary,

a petition for extension of time under 37 C.F.R. 1.136 is hereby made and any required fee is authorized to be charged to the deposit account of Straub & Pokotylo, deposit account number 50-1049.

None of the statements or discussion made herein are intended to be an admission that any of the applied references are prior art to the present application and Applicants preserve the right to establish that one or more of the applied references are not prior art.

Respectfully submitted,

January 8, 2007

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (and any accompanying paper(s)) is being facsimile transmitted to the United States Patent Office on the date shown below.

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January, 8 2007
Date